

REMARKS/ARGUMENTS

The Office required restriction of Claims 1-26 to one of the following groups.

Group I: Claims 1-23, drawn to photoreceptors, an image forming apparatus, and a process cartridge.

Group II: Claims 24-26, drawn to methods of making a photoreceptor.

Applicants elect, with traverse, Group I (claims 1-23) for further prosecution.

The Examiner has characterized the inventions of the Groups II and I, as related to a process of making and product made, and in which the product, as claimed, can be made by a materially different process, as noted on page 2 of the present Office Action. Thus, the Examiner required restriction among the above groups. Applicants respectfully traverse for the following reasons.

The Office has not made a proper restriction. Restriction is only proper if the claims of the restricted groups are either independent or distinct. There also must be a serious burden on the Examiner if restriction is required. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion in support of restriction (see MPEP § 803). Applicants respectfully submit that the Office has not demonstrated that it would be a serious burden to examine the entire application.

In regard to the restriction between Groups I and II, the Examiner provided only a general assertion that the product, as claimed, can be made by a materially different process, as described on pages 2 and 3 of the present Office Action. The Examiner also asserted that such a process does not require filtering the charge generation coating liquid, as required in the process of the invention of Group II. However, the Examiner has not shown that the product of Group I would be obtained by such a process. Thus, the Examiner has not support this assertion and has not supported a conclusion of restriction.

Therefore, the Office has not supported its conclusion of restriction of the respective groups, and has not shown that it would be a serious burden to search and examine these groups together. Applicants submit that a search of all the claims would not impose a serious burden on the office.

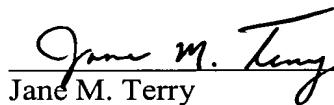
Applicants also submit, that if the product claims are found allowable, the method claims should be rejoined under MPEP § 821.04, if the respective method claims depend on, or include all the limitations of, the corresponding allowed product claim(s).

Accordingly, for at least the reasons presented above, the Office has failed to meet the burden necessary, in order to sustain the requirement for restriction in the present application. Applicants respectfully request the withdrawal of the Restriction Requirement.

Applicants respectfully submit that the present application is now in condition for examination on the merits, and request early notice of such action.

Respectfully submitted,

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